

Considered  
RKN 12/21/04

GNE.3230R1C39

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Eaton, et al.
Appl. No.	: 10/063,557
Filed	: May 2, 2002
For	: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME
Examiner	: David J. Blanchard
Group Art Unit	: 1642

DECLARATION OF J. CHRISTOPHER GRIMALDI, UNDER 37 CFR §1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, J. Christopher Grimaldi, declare and state as follows:

1. I am a Senior Research Associate in the Molecular Biology Department of Genentech, Inc., South San Francisco, CA 94080.
2. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).
3. I joined Genentech in January of 1999. From 1999 to 2003, I directed the Cloning Laboratory in the Molecular Biology Department. During this time I directed or performed numerous molecular biology techniques including semi-quantitative Polymerase Chain Reaction (PCR) analyses. I am currently involved, among other projects, in the isolation of genes coding for membrane associated proteins which can be used as targets for antibody therapeutics against cancer. In connection with the above-identified patent application, I personally performed or directed the semi-quantitative PCR gene expression analyses in the assay entitled "Tumor Versus Normal Differential Tissue Expression Distribution," which is described in EXAMPLE 18 in the specification. These studies were used to identify differences in gene expression between tumor tissue and their normal counterparts.
4. EXAMPLE 18 reports the results of the PCR analyses conducted as part of the investigating of several newly discovered DNA sequences. This process included developing

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Examiner	: David J. Blanchard
Group Art Unit	: 1642

DECLARATION OF J. CHRISTOPHER GRIMALDI, UNDER 37 C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, J. Christopher Grimaldi, declare and say as follows:

1. I am a Senior Research Associate in the Molecular Biology Department of Genentech, Inc., South San Francisco, CA 94080.
2. I joined Genentech in January of 1999. From 1999 to 2003, I directed the Cloning Laboratory in the Molecular Biology Department. During this time I directed or performed numerous molecular biology techniques including qualitative Polymerase Chain Reaction (PCR) analyses. I am currently involved in, among other projects, the isolation of genes coding for membrane associated proteins which can be used as targets for antibody therapeutics against cancer. In connection with the above-identified patent application, I personally performed or directed the semi-quantitative PCR analyses in the assay entitled "Tumor Versus Normal Differential Tissue Expression Distribution" which is described in EXAMPLE 18 in the specification that were used to identify differences in gene expression between tumor tissue and their normal counterparts.
3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).
4. In differential gene expression studies, one looks for genes whose expression levels differ significantly under different conditions, for example, in normal versus diseased tissue.

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GNE2930R1C3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Botstein, et al.  
Appl. No. : 10/032,996  
Filed : December 27, 2001  
For : SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME  
Examiner : Fredman, J.  
Group Art Unit : 1634

COPY

DECLARATION OF PAUL POLAKIS, PH.D. UNDER 37 C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached is the Declaration of Paul Polakis, Ph.D.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 16, 2004

By: AnneMarie Kaiser

AnneMarie Kaiser  
Registration No. 37,649  
Attorney of Record  
Customer No. 30,313  
(619) 235-8550

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Considered  
RKH 12/21/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ashkenazi et al.  
App. No. : 09/903,925  
Filed : July 11, 2001  
For : SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME  
Examiner : Hamud, Fozia M

Group Art Unit 1647

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, Washington D.C. 20231 on:

(Date)

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF AVI ASHKENAZI, Ph.D UNDER 37 C.F.R. § 1.132

I, Avi Ashkenazi, Ph.D. declare and say as follows: -

1. I am Director and Staff Scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.
2. I joined Genentech in 1988 as a postdoctoral fellow. Since then, I have investigated a variety of cellular signal transduction mechanisms, including apoptosis, and have developed technologies to modulate such mechanisms as a means of therapeutic intervention in cancer and autoimmune disease. I am currently involved in the investigation of a series of secreted proteins over-expressed in tumors, with the aim to identify useful targets for the development of therapeutic antibodies for cancer treatment.
3. My scientific Curriculum Vitae, including my list of publications, is attached to and forms part of this Declaration (Exhibit A).
4. Gene amplification is a process in which chromosomes undergo changes to contain multiple copies of certain genes that normally exist as a single copy, and is an important factor in the pathophysiology of cancer. Amplification of certain genes (e.g., Myc or Her2/Neu)

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GNE.3230R1C140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Eaton, et al.
Appl. No.	:	10/063,709
Filed	:	May 8, 2002
For	:	SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME
Examiner	:	Kapust, Rachel B.
Group Art Unit	:	1647

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I declare and state as follows:

1. I am a joint inventor of the invention claimed in the above-captioned patent application.
2. During the time period in which I participated in the events and activities described herein, I was employed by Genentech, Inc., the assignee of the above-captioned application.
3. All of the events and activities described herein were performed by me personally, by others at my direction, or by the other joint inventors, as part of our duties as employees of Genentech, Inc.
4. The invention claimed in the above-captioned patent application was conceived prior to September 10, 1998 and diligently reduced to practice thereafter in the U.S. as described below.
5. Prior to September 10, 1998, I and/or my joint inventors conceived of the invention claimed in the above-captioned patent application. Prior to September 10, 1998, the idea of investigating several newly discovered DNA sequences for their relevance, including developing primers and cloning the DNA sequences of interest from normal and tumor tissues, was conceived. The attached sequence printout (Exhibit A), dated prior to September 10, 1998, shows the complete sequence of the nucleic acid having the sequence of SEQ ID NO: 73, as well as the complete sequence of the amino acid of SEQ ID NO: 74. Thus, conception of the invention claimed in the above-captioned patent application occurred prior to September 10, 1998.